

REMARKS

1. Present Status of Patent Application

Upon entry of the amendments in this response, claims 1-5, 9-19, and 21-24 remain pending in the present application.

2. Response to Rejection of Claims 1-3, 4, 9, 10, 11, 13, 17, 18, 21, 22 and 23 under 35 U.S.C. § 103(a)

Claims 1-4, 6, 9-11, 13, 17, 18, and 21-23 have been rejected under 35 U.S.C. § 103(a) as being purportedly unpatentable over *Qureshey* (WO 99/38266). It is well established at law that, for a proper rejection of a claim under 35 U.S.C. § 103 as being obvious based upon prior art, the prior art must disclose, teach, or suggest, either implicitly, all elements/features/steps of the claim at issue. See, e.g., *In re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988); *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981).

a. Claim 1

As provided in independent claim 1, Applicant claims:

1. A method for receiving digital information and transmitting the information in a localized area, comprising the steps of:
 - receiving audio communications from a plurality of streams of digital information from at least one remote source via the Internet;
 - converting the digital information from the plurality of streams to respective analog information associated with each respective stream;
 - broadcasting concurrently the respective analog information associated with multiple streams from the plurality of streams of digital information at low power in a localized area in multiple preselected radio frequencies chosen by at least one user; and*
 - receiving the broadcast information associated with the multiple streams in the localized area on multiple radio frequency receivers, each receiver tuned to one of the preselected frequencies to permit listening to one of the audio communications associated with one of the multiple streams.*

(Emphasis added).

Applicant asserts that the rejection should be withdrawn because *Qureshey* fails to disclose or otherwise teach the steps that are highlighted above. Specifically, *Qureshey* fails to

disclose, suggest, or teach “broadcasting concurrently the respective analog information associated with multiple streams from the plurality of streams of digital information at low power in a localized area in multiple preselected radio frequencies chosen by at least one user” and “receiving the broadcast information associated with the multiple streams in the localized area on multiple radio frequency receivers, each receiver tuned to one of the preselected frequencies to permit listening to one of the audio communications associated with one of the multiple streams,” as recited in claim 1.

Qureshey appears to disclose an approach of providing a transmitted signal to a receiver using radio communication. However, *Qureshey* does not disclose, suggest, or teach the feature of concurrently broadcasting or receiving more than one stream of audio information. Further, *Qureshey* does not provide the proper motivation to make modifications in order to incorporate this feature. Therefore, claim 1 is not obvious under the prior art of *Qureshey*, and the rejection should be withdrawn.

b. Claims 2-4 & 9-10

Because independent claim 1 is allowable over the prior art of record, dependent claims 2-4, and 9-10 (which depend from independent claim 1) are allowable as a matter of law for at least the reason that dependent claims 2-4 and 9-10 contain all the steps and features of independent claim 1. *See In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

c. Claim 11

As provided in independent claim 11, Applicant claims:

11. An apparatus for receiving information and broadcasting the information in a localized area, the apparatus comprising:

means for receiving a plurality of streams of digital information from at least one remote source via the Internet;

means for converting the plurality of streams of digital information to respective analog information associated with each respective stream; and

means for broadcasting concurrently the respective analog information of multiple streams of the plurality of streams of digital information in a localized area in multiple preselected radio frequencies chosen by at least one user.

(*Emphasis added*).

Applicant asserts that the rejection should be withdrawn because *Qureshey* fails to disclose or otherwise teach the features that are highlighted above. Specifically, *Qureshey* fails to disclose, suggest, or teach “means for broadcasting concurrently the respective analog information of multiple streams of the plurality of streams of digital information in a localized area in multiple preselected radio frequencies chosen by at least one user,” as recited in claim 11.

Qureshey appears to discloses an approach of providing a transmitted signal to a receiver using radio communication. However, *Qureshey* does not disclose, suggest, or teach the feature of concurrently broadcasting and receiving more than one stream of audio information. Further, *Qureshey* does not provide the proper motivation to make modifications in order to incorporate this feature. Therefore, claim 11 is not obvious under the prior art of *Qureshey*, and the rejection should be withdrawn.

d. Claim 13

Because independent claim 11 is allowable over the prior art of record, dependent claim 13 (which depends from independent claim 11) is allowable as a matter of law for at least the reason that dependent claim 13 contains all the elements and features of independent claim 11. *See In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

e. Claim 17

As provided in independent claim 17, Applicant claims:

17. A method for receiving digital information and transmitting the information in a localized area, the method comprising the steps of:

receiving a plurality of streams of digital information from at least one remote source via the Internet;

converting the plurality of streams of digital information to respective analog information associated with each respective stream; and

broadcasting concurrently the respective analog information associated with multiple streams of the plurality of streams of digital information in a localized area in multiple preselected radio frequencies chosen by at least one user, wherein at least one of the preselected radio frequencies is a frequency modulated radio frequency.

(*Emphasis added*).

Applicant asserts that the rejection should be withdrawn because *Qureshey* fails to disclose or otherwise teach the step that is highlighted above. Specifically, *Qureshey* fails to disclose, suggest, or teach "broadcasting concurrently the respective analog information associated with multiple streams of the plurality of streams of digital information in a localized area in multiple preselected radio frequencies chosen by at least one user, wherein at least one of the preselected radio frequencies is a frequency modulated radio frequency," as recited in claim 17.

Qureshey appears to discloses an approach of providing a transmitted signal to a receiver using radio communication. However, *Qureshey* does not disclose, suggest, or teach the feature of concurrently receiving and broadcasting more than one stream of audio information. Further, *Qureshey* does not provide the proper motivation to make modifications in order to incorporate this feature. Therefore, claim 17 is not obvious under the prior art of *Qureshey*, and the rejection should be withdrawn.

f. Claims 18 & 21

Because independent claim 17 is allowable over the prior art of record, dependent claims 18 and 21 (which depend from independent claim 17) are allowable as a matter of law for at least the reason that dependent claims 18 and 21 contain all the steps and features of independent claim 17. *See In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

g. Claims 22-23

Because independent claim 1 is allowable over the prior art of record, dependent claims 22-23 (which depend from independent claim 1) are allowable as a matter of law for at least the reason that dependent claims 22-23 contain all the steps and features of independent claim 1. *See In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

3. Response to Rejection of Claims 5, 12, 19, and 24 under 35 U.S.C. § 103(a)

Claims 5, 12, 19, and 24 have been rejected under 35 U.S.C. § 103(a) as being purportedly unpatentable over *Qureshey* in view of *Lang* (U.S. Patent No. 5,737,692). It is well established at law that, for a proper rejection of a claim under 35 U.S.C. § 103 as being obvious based upon a

combination of references, the cited combination of references must disclose, teach, or suggest, either implicitly, all elements/features/steps of the claim at issue. *See, e.g., In re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988); *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981). Applicant respectfully traverses all rejections.

a. Claim 5

Because independent claim 1 is allowable over the prior art of record, dependent claim 5 (which depends from independent claim 1) is allowable as a matter of law for at least the reason that the dependent claim 5 contains all the steps and features of independent claim 1. *See In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988). Additionally and notwithstanding the foregoing reasons for allowability of independent claim 1, dependent claim 5 recites further features and/or combinations of features (as is apparent by examination of the claim itself) that are patentably distinct from the prior art of record.

The feature “wherein the broadcasting concurrently of the respective analog information associated with multiple streams is initiated at a predetermined time chosen by the at least one user and in at least one of the preselected frequencies chosen by the at least one user,” as recited in claim 5, is not disclosed, taught, or suggested by *Qureshey* in view of *Lang*. For example, *Lang* fails to suggest, disclose, or teach the features of a user selecting a time to initiate the broadcasting of analog information and also selecting the frequency that the transmission is to occur in. Hence, the prior art of *Qureshey* in view of *Lang* simply would not result in Applicant’s claimed invention, and the rejection should be withdrawn.

b. Claim 12

Because independent claim 11 is allowable over the prior art of record, dependent claim 12 (which depends from independent claim 11) is allowable as a matter of law for at least the reason that dependent claim 12 contains all the elements and features of independent claim 11. *See In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988). Additionally and notwithstanding the foregoing reasons for allowability of independent claim 11, dependent claim 12 recites further features and/or combinations of features (as is apparent by examination of the claim itself) that are patentably distinct from the prior art of record.

c. Claim 19

Because independent claim 17 is allowable over the prior art of record, dependent claim 19 (which depends from independent claims 17) is allowable as a matter of law for at least the reason that dependent claim 19 contains all the features of independent claim 17. *See In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

d. Claim 24

Because independent claim 12 is allowable over the prior art of record, dependent claim 19 (which depends from independent claims 12) is allowable as a matter of law for at least the reason that dependent claim 24 contains all the features of independent claim 12. *See In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

4. Response to Rejection of Claims 14-15 Under 35 U.S.C. § 103(a)

Claims 14-15 have been rejected under 35 U.S.C. § 103(a) as being purportedly unpatentable over *Qureshey* in view of *Dao* (U.S. Patent No. 5,915,207). It is well established at law that, for a proper rejection of a claim under 35 U.S.C. § 103 as being obvious based upon a combination of references, the cited combination of references must disclose, teach, or suggest, either implicitly, all elements/features/steps of the claim at issue. *See, e.g., In re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988); *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981).

Because independent claim 11 is allowable over the prior art of record, dependent claims

14-15 (which depend from independent claim 11) are allowable as a matter of law for at least the reason that the dependent claims 14-15 contain all the elements and features of independent claim 11. *See In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

5. Response to Rejection of Claim 16 under 35 U.S.C. § 103(a)

Claim 16 has been rejected under 35 U.S.C. § 103(a) as being purportedly unpatentable over *Qureshey* in view of *Bolas* (U.S. Patent No. 6,389,463). It is well established at law that, for a proper rejection of a claim under 35 U.S.C. § 103 as being obvious based upon a combination of references, the cited combination of references must disclose, teach, or suggest, either implicitly, all elements/features/steps of the claim at issue. *See, e.g., In re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988); *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981). Applicant respectfully traverses all rejections.

Because independent claim 11 is allowable over the prior art of record, dependent claim 16 (which depends from independent claim 11) is allowable as a matter of law for at least the reason that the dependent claim 16 contains all the elements and features of independent claim 11. *See In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

6. Prior Art Made of Record

The prior art made of record has been considered, but is not believed to affect the patentability of the presently pending claims.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1-5, 9-19, and 21-24 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,



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